IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1277 of 2005

Between:

Medikonda Subbamma W/o Pandi Bhoja Raju
Tatiparthivari Palem, Inkollu Mandal, Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam

District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the 2nd respondent in placing me under suspension pursuant to the proceedings in rc.C/1036/2004 dated 12-08-2004 without conducting enquiry as arbitrary, illegal and contrary to the judgment reported in 1996(1) APLJ 266 and also orders dated 10-09-2004 in WP No. 16190 of 2004 and pass such other order or orders

Counsel for the Petitioner:MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the 2nd respondent through his order, dated 12.08.2004. Aggrieved thereby, she preferred an appeal before the 1st respondent under Clause (20) of the A.P.State Public Distribution System Control Order, 2001. The 1st respondent disposed of the appeal through his order, dated 03.09.2004, directing the 2nd respondent to conclude the proceedings within one month, after giving an opportunity of personal hearing to the petitioner. Thereafter the petitioner filed a writ petition. That was also disposed of on 10.09.2004, almost reiterating the directions issued by the 1st respondent. The petitioner, in turn, submitted her explanation to the show cause notice on 12.09.2004. Her grievance is that the 2nd respondent has not passed any order so far and the order of suspension is operating to her detriment.

Placing reliance upon the judgment of this Court in ***Joint Collector, Kurnool v. A.Neelima***, learned counsel for the petitioner submits that the suspension against the petitioner cannot be continued.

Learned Government Pleader for Civil Supplies, on instructions, submits that the delay in disposal of the proceedings was on account of the belated receipt of the record from the 1st respondent and that as of now, the matter is posted on 10.02.2005 for the appearance of the petitioner in the hearing.

The grievance of the petitioner is about the delay in disposal of the proceedings against her. It is true that in ***A.Neelima***'s case, this Court held that undue delay in disposal of the proceedings and continued suspension cannot be sustained in law. Three months was treated as reasonable time in disposal of such proceedings. Unless the delay is attributable to the dealer himself, continuance of proceedings beyond that period may create a situation, wherein the suspension pending enquiry becomes a substantive penalty by itself. In the present case, the 2nd respondent ought to have disposed of the proceedings long back.

Be that as it may, the matter is now said to be listed 'for hearing' on 10.02.2005. Irrespective of the fact whether the petitioner appears on that day or not, the 2nd

respondent shall pass appropriate orders by 15.02.2005. In case the proceedings are not disposed of by that date, the order of suspension against the petitioner shall remain stayed and she shall be entitled function as dealer. The distribution of essential commodities for the Month of Februrary,2005, for the fair price shop in question, shall also be deferred till 15.02.2005.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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04.02.2005

Jsu
To

1 The Joint Collector, Prakasam District, at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam

District

4 2 CCs to the G.P. for Civil Supplies, High Court of A.P.,

Hyderbad. (OUT)

5 2 CD copies.